

FILED

10/11/2016

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THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

IN UNITED STATES DISTRICT COURT NORTHERN DISTRICT
EASTERN DIVISION FOR THE STATE OF ILLINOIS

RECEIVED

AUG 16 2016

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT

JURY TRIAL DEMANDED

BYRON GREENE, PRO SE

PLAINTIFF

VERSE

CITY OF CHICAGO

CHICAGO POLICE DEPARTMENT

JOHN DOE OFFICER ONE (INDIVIDUALLY AND OFFICIAL CAPACITIES)

JOHN DOE OFFICER TWO (INDIVIDUALLY AND OFFICIAL CAPACITIES)

JOHN DOE OFFICER THREE (INDIVIDUALLY AND OFFICIAL CAPACITIES)

DEFENDANT

16CV8149

JUDGE KENNELLY

MAG. JUDGE ROWLAND

COMES NOW, PLAINTIFF BYRON GREENE in this Honorable Court in the above style and cause number to be determine by the Court and bring forth this Civil Complaint and in support thereof will show unto the Court the following: Violation of the Plaintiff first, fourth, fifth, seventh, eighth, and fourteenth Amendment Rights.

FACTS

I

That on May 4, 2016 Plaintiff Byron Greene was living with his sister Ursula Maddox at 442 west 97th Street Chicago, Illinois 60628.

II

That on or about May 4, 2016 Plaintiff Byron Greene was employed by Tribune Direct at 505 Northwest Highway, North Lake, Illinois.

III

That on or about May 4, 2016 Plaintiff Byron Greene was sitting in his 2005 Saab 93 which was parked on the street at 442 West 97th Street Chicago, Illinois 60628.

IV

That on or about May 4, 2016 at approximately 2:30 PM three Chicago Police stop beside Plaintiff car made Plaintiff get out his car and searched and arrested Plaintiff also impounded Plaintiff 2005 Saab 93 series automobile.

V

That Plaintiff was held and/or incarcerated at Morgan Park Police Station for several hours before his release by bond.

VI

That Plaintiff was unable to go to work for several days doing this incident and had to eventually stop working because of lack of transportation.

VII

That Plaintiff was given a copy of a tow slip for his car, the amount was set at over three thousand dollars to reclaim plaintiff car.

VIII

That on May 17, 2016 Plaintiff went to City Of Chicago Department Of Finance at 400 West Superior, first floor Chicago Illinois 60654 and contest the arrest and May 4th 2016 towing of Plaintiff car. Plaintiff car was released back to Plaintiff at Zero cost.

IX

That Plaintiff car was inventory number: 2790756 at 10300 south Doty Road, Chicago, Illinois.

X

That on or about May 29, 2016 Plaintiff was stop by Chicago Police on East 71st Street plaintiff car was impounded and is still impounded as of date.

XI

That upon release of the May 29th incident Plaintiff was given a copy of a tow slip this towing would cost over \$1,300.00 for Plaintiff to reclaim his car.

XII

That Plaintiff Byron Greene is a citizen of the United States and of Chicago, Illinois.

XIII

That the Doe Defendants in this cause did act under the colors of the State of Illinois.

VX

That on the Plaintiff May 4th encounter with Chicago Police there were three officers in the police car and for the initial purpose of this Complaint these three officers are identified by Plaintiff as John Doe Officer One, Two, and Three.

XV

That John Doe Officers one, two and three did search Plaintiff and plaintiff car.

XVI

That John Doe Officer one (the officer driving) did search Plaintiff and called the Plaintiff a niggar.

XVII

That John Doe Officer two (the front Passenger) did help Doe Officer three (the rear passenger) search Plaintiff car at the scene on May 4th 2016.

XVIII

That the city of Chicago has imposed two fines on the same offense which in this case would be towing cost of excessive amounts for a traffic violation and the cost of the traffic violation again at court.

XIX

That the City of Chicago is towing cars charging excessive amounts to reclaim the car and/or keeping the car and not offering any type of relief toward the price or cost of fines that may be owed.

XX

That Doe Officer One did write false information in his report, in this case, saying that Plaintiff had narcotics in his car.

XXI

That Doe Officer One never produce any narcotics nor inventory any narcotics into evident in this matter.

XXII

That the City Of Chicago fail to properly supervise Doe Officers One, Two, and Three.

XXIII

That the Plaintiff has lost wages because of The City Of Chicago, and the three Doe Officers.

XXIV

That the Plaintiff has spend money and time off work to trying to rectify this matter.

XXV

That Chicago Police Department has shown discrimination against the black race particularly the Plaintiff Byron Greene who is of the black race.

XXVI

That the Defendant Eddie Johnson and Chicago Police Department created a policy or custom under which unconstitutional practices occurred and allowed the continuance of such policy or custom.

XXVII

The Defendant Eddie Johnson was grossly negligent in supervising subordinates who committed wrongful acts.

XXVIII

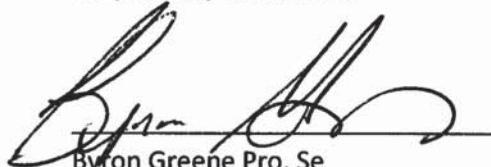
That the Defendants acted with reckless indifference to Plaintiff rights, ill will and with malice.

XXIX

That the Defendant Eddie Johnson did act under the colors of the State Of Illinois.

WHEREFORE, Plaintiff Byron Greene PRAYS that this Honorable Court set a date and time to hear this matter with a Jury and let a Jury determine the dollar amount that should be paid to the Plaintiff for actual, compensatory, and punitive damages.

Respectfully Submitted,



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MEMORANDUM

The City Of Chicago, and The Chicago Police Department are creating a hostile environment with its activities, which are also unconstitutional. The City of Chicago has laws and policies that violates ones constitutional rights. The towing of citizens cars without cause, which arise from unconstitutional laws and or city policies. The city of Chicago also violate the Constitution by imposing multiple fines on one violation. In the case of the Plaintiff, the Plaintiff may be guilty of driving with a suspended license. However, the City of Chicago combined with the Chicago Police Department towed the plaintiff car and impose a fine according to the offence, which in the plaintiff case over one thousand dollars(tow fee) because plaintiff license is suspended. Then the Plaintiff still has another court date for driving with suspended license. This is double jeopardy. The City of Chicago then charge for daily storage of the impounded vehicle and if the vehicle is not recovered by the owner in a short period of time, the vehicle are sold and/or destroyed or sold for scrap giving the owner no money nor credit toward the fine or fines owed. The City of Chicago is basically taking cars for a ticket by placing an excessive dollar amount to recover ones vehicle. The City of Chicago use its Police Department to enforce this form of extortion. When a ticket is written in the City of Chicago after a brief period the ticket double in cost, for what reason ? There are traffic cameras throughout the city that function improperly, Chicago Police are writing tickets for such things as no city sticker without checking to see if the vehicle is even registered in the city of Chicago. The Plaintiff in this cause is working member of the city of Chicago that does not have the luxury to take off work each week to stand in line to fight to recover his vehicle. In the Plaintiff case, he must go to work or be fired.

Date 8/11/2016

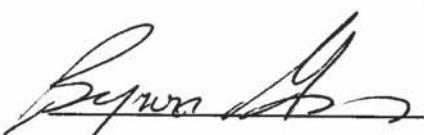
SWORN AFFIDAVIT

I Byron Greene do Swear under penalty of perjury that this statement is true and correct to the best of my knowledge.

On May 4th 2016 about 1:30 or so I was sitting in my car (a 2005 Saab93) in front of where I lived (442 west 97th Street Chicago, Illinois) talking on the phone. I notice an unmarked Chicago Police SUV coming towards me. I was parked facing west and the SUV was heading east on 97th street. I was basically two car links from the corner. The police SUV stopped at the stop sign, and I assumed it would just pass. Nothing is going on in that area, for this is not a high crime street or an area where drugs are commonly being sold. The SUV cross the intersection, and it came straight toward my car. The driver pulled so close to my car with Police SUV that it basically blocked my driver side door with his driver side door. So I let my window down to see what was the problem or what did they want from me. The Officer driving asked me, what do I have in the car. I said what are you talking about I'm sitting in my car in front of where I live talking on the phone. The Officer on the passage side was getting out the SUV when the Officer that was driver said "smart ass niggar", then he said get out the fuc-king car. So the driver started backing up and the passage side Officer was coming around to my door. There was a third Officer that was sitting in the back seat behind the driver. Once the door was cleared to open the Officer driving open my door grab me and pulled me out of my car. All of this had happen so fast I did not know what to think about it. The Officer that was driver that I refer to in my complaint as Doe Officer One brought me around to the front of the SUV told me to place my hand on the SUV, which I did a he immediately start going through my pocket. He pulled out my money, car key, and cell phone and placed it on the hood of the SUV. The other two officers were at my car. One of the officers was searching the inside and the other one was searching the trunk. I kept asking what are you look for, but no one gave me an answer. The Officer that had me told me to shut up. While this was going on another black male came down the street from out of nowhere. When I saw him he seem to be heading east on the South side of the street. I did not know the black male. The black male yelled out Officer, Officer until he got the attention of the Officer. By this time he was putting me in hand cuffs. The Officer acknowledged the attention of the black male. The black male asked "hey, do you remember me" the Officer replied "No, was it a good encounter". The black male had his cell phone held up to appear that he was recording the Officer too. Then he replied back "no it was a bad one, you planned drugs on me last week". The Officer said "not me, and you need to move on". The black man said something else as he walked off. By this time I heard the other to Officer saying that they had found nothing in my car. The Officer that had me told me not to move as the three huddle together for a minutes or so then I heard one say run his license. The next thing I heard was, his license suspended. I said "I was not driving" the Officer that was in the back said, sure you was dude. The Officer that was riding passage side front started asking about my keys when the Officer that had search me told him they were on the hood. My niece was on the front of the house and I ask them to give my stuff to her. I complained that they were wrong for even

stopping at my car. They were talk about who was going to drive my car. I complain more because this was really crazy to me. The one that remove my item from the hood said, if I give this money and phone to that girl and she run off with it don't call us. I said, that my niece, and he said "that don't matter you people care nothing about that all of you all are alike". They put me in the rear of the SUV and took me to the Morgan Park, Police Station on 111th Street. I was held that until sometime that night. I was released on bond. When I started reading the papers that was given to me upon my release I could not believe it. They said I had narcotic in the car but none was inventory when I was arrested. Now, I've missed work this day and my car has been towed and when I called the next day they told me at the impound yard that I need three thousand plus dollars to get my car back. After a couple weeks, I finally went to a hearing downtown and my car was released back to me at no cost. I've missed work during this ordeal because of transportation. I got a bunch of bogus ticket that I cannot afford to take off from work to go see about getting through out. I have not lived in Chicago all my life therefore it is very difficult to manage with all these traps provided by the City Of Chicago and Chicago Police Department. They have literally ran me out of town. There are too many police abusing their authority and/or not being properly supervised.

Sworn this 11 day of August 2016



Byron Greene